

Exhibit B

130 Livingston Street, 11th Floor
Brooklyn, New York 11201

Law Department - Torts



Metropolitan Transportation Authority

State of New York

February 9, 2024

9489 0090 0027 6461 6718 78

BY CERTIFIED MAIL

Law Office of Michael H. Joseph PLLC
203 East Post Road
White Plains, New York 10601

**Re: REJECTION OF NOTICE OF CLAIM
Conswaler Fitzroy v. City of New York, New York City Transit
Authority, and MTA Bus Company
Our File: BU-2023-11-06-0030-001**

Counselor:

We have reviewed your Notice of Claim against the New York City Transit Authority. Please be advised that pursuant to Public Authorities Law §1212 and General Municipal Law §50-e, the Notice of Claim is rejected as it does not comply with the statutes.

You have **ten (10) days** to correct the defect.

Please be guided accordingly.

Sincerely,

A handwritten signature in cursive script that reads "Renee W".

Renee Williams, Esq.
Executive Agency Counsel
MTA Law Department – Torts
(718) 694-1018
renee.williams@nyct.com

Enclosure (1)

BU-23-11-06-30-001

NOTICE OF CLAIM

-----X
In the Matter of the Claim of

Conswaler Fitzroy,

- against -

City of New York, New York City Transit Authority, and MTA Bus Company

-----X

TO: OFFICE OF THE NEW YORK CITY COMPTROLLER
1 CENTRE ST #530
NEW YORK, NY 10007

OIG
ONE PENN PLAZA, 11TH FLOOR, SUITE 1110
NEW YORK, NEW YORK 10119

MTA GENERAL COUNSEL
2 BROADWAY, 4TH FLOOR
ATTN: VICTORIA CLEMENT
NEW YORK, NY 10017

ELIZABETH A. COONEY, GENERAL COUNSEL
OFFICE OF THE GENERAL COUNSEL
2 BROADWAY, 30TH FLOOR
NEW YORK, NY 10004

MTA BUS COMPANY
OFFICE OF THE CONTROLLER
128-15 28TH AVENUE
FLUSHING, NY 11354

MTA EMAIL: serviceclaims@nycct.com
NYC COMPTROLER PORTAL

Electronic service

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and demands against you as follows:

1. Name and post office address of each claimant and claimants' attorneys is:

Claimant

Conswlaer Fitzroy
783 Jefferson Avenue, Unit 6
Brooklyn, NY 11221

Attorney

Law Office of Michael H. Joseph PLLC
203 East Post Road
White Plains, NY 10601
(914) 574-8330

2. Nature of Claim: False arrest, false imprisonment, abuse of process, unlawful search and seizure, subjected to intentional infliction of serious emotional distress and harm, malicious prosecution, negligence, recklessness, wrongful incarceration and violation of civil rights of claimant, all caused by the intentional, negligent, reckless and careless action of, whose identity is presently unknown. Claimant was illegally and unlawfully harassed, injured mentally, imprisoned, arrested, seized and searched without just cause. Claimant was made to suffer inhuman treatment, maliciously prosecuted and was deprived of his Constitutional and civil rights, in violation of 42 U.S.C. 1983, all without basis or reason. Respondent's agents, employees and servants violated claimant's rights and were negligent in heeding the instructions and notice provided to them. They were negligent in training, disciplining and supervising of its officers. All of the aforementioned caused claimant to suffer deprivation of liberty, psychological injuries, including but not limited to shock, depression, angst and shock.

3. The time when, the place where and the manner in which the claim arose: On November 6, 2023, at approximately 4:10 p.m., on an MTA Bus (route S51) at the Staten Island Terminal bus stop, the claimant was wrongfully accused, harassed, physically assaulted, arrested without probable cause, imprisoned, and illegally seized and searched by employees of the MTA and NYPD, whose identity are presently unknown, who were acting under the color of law and within the scope of their employment for the MTA and NYPD, as she was getting onto the Bus. Thereafter, claimant was maliciously prosecuted and subject to abuse of process. All of the aforementioned caused violations of the civil rights and liberties guaranteed to the claimant under the Federal Constitution and the Constitution of the State of New York all in violation of 42 USC 1983.

4. The items of damage or injuries claimed are (do not state dollar amounts). All of the aforementioned caused claimant to suffer deprivation of liberty, physical damages, (including a fractured wrist, fingers, and bruised ribs), hospital and medical expenses, and psychological injuries, including but not limited to shock, depression, angst and shock. Further Claimant is entitled to attorneys' fees and punitive damages.

Said claims and demands are hereby presented for adjustment and payment.

DATED: White Plains, New York
November 14, 2023

Conswaler Fitroy

VERIFICATION

STATE OF NEW YORK

ss.:

COUNTY OF KINGS

Conswaler Fitroy, being duly sworn, deposes and says that deponent is the above-named claimant; deponent has read the foregoing NOTICE OF CLAIM and know its contents; the same is true to deponent's knowledge, except as to those matters stated to be alleged upon information and belief, and as to those matters deponent believes it to be true.

Conswaler Fitroy

Sworn to before me on
November __, 2023

Notary Public

Law Office of Michael H. Joseph PLLC
Attorneys for Claimant

203 East Post Road
White Plains, NY 10601
(914) 574-8330

ALERT: SEVERE WEATHER CONDITIONS ACROSS THE U.S. MAY DELAY FINAL DELIVERY OF Y...

USPS Tracking®

FAQs >

Tracking Number:

Remove X

9489009000276461671878

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 2:27 pm on February 15, 2024 in WHITE PLAINS, NY 10601.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

WHITE PLAINS, NY 10601

February 15, 2024, 2:27 pm

Arrived at USPS Regional Facility

WHITE PLAINS NY DISTRIBUTION CENTER

February 14, 2024, 9:58 am

Arrived at USPS Regional Facility

NEW YORK NY DISTRIBUTION CENTER

February 13, 2024, 9:36 pm

Hide Tracking History

Feedback

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs